

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Petitioner,

vs.

GAGE COUNTY, NE,

Respondent.

8:22CV358

MEMORANDUM AND ORDER

On January 17, 2023, the Court entered a Memorandum and Order instructing Petitioner that his Petition for Writ of Habeas Corpus, [Filing No. 1](#), was deficient because it was not signed under penalty of perjury, nor did it substantially follow the “form appended to [the Rules Governing Section 2254 Cases in the United States District Courts], or a form prescribed by a local district-court rule.” [Filing No. 8 at 1](#) (citing Rule 2 of the *Rules Governing Section 2254 Cases in the United States District Courts*). The Court gave Petitioner until February 17, 2023, to cure these deficiencies or face dismissal of this matter without further notice. [Filing No. 8 at 2](#). The Court sent Petitioner a copy of the Form AO 241 and encouraged Petitioner to use the form to cure the deficiencies in his original Petition. [Filing No. 8 at 2](#).

Petitioner did not attempt to file an amended petition or form but filed a three-page letter, [Filing No. 9](#), and an eight-page response, [Filing No. 10](#), each asserting that limited access to postage prevented him from filing the sixteen-page Form AO 241. On March 23, 2023, the Court noted that it cannot excuse deficiencies based solely on Petitioner’s limited access to postage and directed Petitioner to file an amended petition for writ of habeas corpus under [28 U.S.C. § 2241](#) that cured the deficiencies in his Petition. See

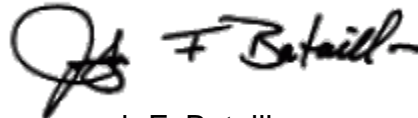
[Filing No. 11 at 1-2](#). The Court warned Petitioner that failure to file an amended petition in accordance with the Court's Memorandum and Order would result in dismissal of this matter without further notice. See [Filing No. 11 at 2](#). To date, Petitioner has not filed an amended petition or any other response, and the time in which to do so has passed.¹

IT IS THEREFORE ORDERED that:

1. This case is dismissed without prejudice because Petitioner failed to prosecute it and failed to comply with this Court's orders.
2. No certificate of appealability has been or will be issued.
3. The Court will enter judgment by a separate document.

Dated this 15th day of June, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge

¹ The Court notes that Petitioner filed a 32-page complaint on May 24, 2023 that was docketed in Case No. 8:23CV214 and was submitted in a single envelope. See [Filing No. 1](#), Case No. 8:23CV214. Thus, Petitioner's access to postage does not appear to be as limited as it previously was. See [Filing No. 11](#).